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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,340	06/25/2003	David Wayne Gregg	64245	2643

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KANSAS CITY, MO 64112-1802

EXAMINER
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ADDIE, RAYMOND W

ART UNIT	PAPER NUMBER
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3671

MAIL DATE	DELIVERY MODE
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05/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/603,340	Applicant(s) GREGG, DAVID WAYNE	
	Examiner Raymond W. Addie	Art Unit 3671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6,7,10-17,19-33 and 49-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,10-17,19-33 and 49-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

  
**RAYMOND ADDIE**  
**PRIMARY EXAMINER**

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 10-17, 19-27, 29-33, 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frakes # 4,735,567, in view of Lizarraga # 6,540,435 B1.

Frakes discloses an apparatus (16) for stamping wet concrete comprising:

A roller (18) having oppositely disposed ends, and a surface defined by a stamp having a pattern (12).

A receiver portion (32) including lateral members (unnumbered), and having oppositely disposed ends corresponding to the oppositely disposed ends of the roller.

A pivotal handle (30) in pivotable communication with a receiver portion.

A cross bar (37) having oppositely disposed ends corresponding to the oppositely disposed ends of the roller. The cross bar for receiving compaction devices, for compacting the soft concrete.

Wherein the stamp includes at least one layer (12) of rubber material and a brick-type (22, 24) pattern and a micro-effect texture on the face (25) of each brick-type face.

See Cols. 3-4. What Frakes does not disclose is the use of holder mechanisms for holding separate sets of weights.

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However, Lizarraga teaches it is known to provide concrete finishing devices (10) with removable weights (38) and holder mechanisms (40) extending from a cross bar (37), intended for weighting the finishing device along the length of the device (10), to selective increase or decrease the compaction force generated, in accordance with the condition of material being compacted. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the compaction roller of Frakes with holder mechanisms, and removable weights, as taught by Lizarraga, in order to selectively increase or decrease the compaction force generated by said compaction roller assembly. See Lizarraga col. 7, Ins. 43-63.

In regards to claims 31-33 Frakes discloses a method of stamping wet concrete comprising:

Providing a stamping apparatus comprising: A roller (16); a receiver portion (32) having oppositely disposed ends corresponding to oppositely disposed ends of said roller (18).

Moving the apparatus over the wet concrete being worked for stamping the concrete in accordance with the stamp.

What Frakes does not disclose is the step of providing at least one retainer intended for receiving removable weights.

However, Lizarraga teaches it is known to provide concrete finishing devices (10) with at least one retainer (40), at each, oppositely disposed end of said roller (10) intended for receiving removable weights (38). Further Lizarra teaches it is known to add and

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remove separate sets of removable weights (38) from each at least one retainer (40) based upon the material being compacted by the compaction roller. Lizarraga Cols. 3-4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the method of stamping concrete of Pallard, with the step of providing retainers and removable weights to a compaction roller, as taught by Wynings, in order to selectively increase or decrease the compaction force generated by the compaction roller, in accordance with the type of material being compacted.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4, 6, 7, 10-17, 19-27, 29-33, 49-53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 6AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**Raymond Addie**  
**Primary Examiner**  
**Group 3600**

5/7/07